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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,367	01/28/2004	Stefan Furst	1399-03	2884

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EXAMINER	
NGUYEN, KIMBERLY D	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/766,367	FURST ET AL.	
	Examiner	Art Unit	
	Kimberly D. Nguyen	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-7* is/are allowed.

6)☒ Claim(s) *8-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/28/04, 8/20/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 8-9, 11-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mish (US 6,077,106) in view of Davis et al. (US 6,906,120; hereinafter "Davis").

Mish teaches a thin electronic chip card (100 in figs. 1-2) including:

an IC chip (106 in fig. 1; "The circuitry component 106 may comprise RF circuits, logic circuits, and memory" col. 3, lines 57-58) in a core film 102 having a recess 112 (see fig. 2; col. 3, line 52 through col. 4, line 7);

a battery (120 in fig. 2), which is made of metal housing serves as an galvanic element, arranged in a recess (cavity 112 in fig. 2) in the core film (102; col. 3, line 52 through col. 4, line 39); and

an overlay dielectric material which is non conductive material which serves as a plastic film (118, 118' in fig. 2) applied to firmly bond the core film (102) and the element (120; col. 3, line 44 through col. 4, line 7; col. 5, lines 41-44) by means of lamination.

Although, Mish teaches that his overlay plastic films (118, 118') are laminated to metals and plastics, he is not specific about the elastic adhesive which consist of light curable compound, epoxy resin, thermoplastic polyurethane-based material, and PVC (as claimed in claims 11-14 and 17-20) for laminating the two overlay plastic films.

Davis teaches a curable, thermosetting adhesive composition for adhering/bonding/laminating articles suitable for printed circuit boards, rigid flex circuit boards or any other articles where good dielectric properties are desired wherein the adhesive composition includes the light curable compound, epoxy resin, thermoplastic polyurethane-based material and PVC (see column 2, line 24 though column 3, line 7; and column 8, lines 53+).

In view of Davis's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the specific adhesive compounds as discussed above to the teachings of Mish due to the fact that the above adhesive compounds do not require a high temperature setting to bond/adhere/laminate the articles including the plastic films and thus, reducing the risk of damaging the delicate electronic components, the battery, etc. during the manufacturing process.

Allowable Subject Matter

3. Claims 1-7, 10, and 16 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The best prior art of record fails to specifically teach a thin electronic chip card including an IC chip in a core film; a galvanic element as an energy store, which has at least one lithium-intercalating electrode and a thin, flexible housing comprising two metal foils, which bear directly against the electrodes and are connected to each other in a sealed manner with an adhesive or sealing layer, arranged in a recess in the core film; an elastic stress-compensating adhesive layer which adheres to metals and plastics coated over both sides of the core film and

the element; and an overlay plastic film applied to each of the adhesive layers to firmly bond the core film and the element.

Mish (US 6,077,106) teaches a thin electronic chip card including an IC chip in a core film; a battery, which is an energy storage, arranged in a recess in the core film; and an overlay plastic film applied to firmly bond the core film and the element.

Davis teaches a curable, thermosetting adhesive composition for adhering/bonding/laminating articles suitable for printed circuit boards, rigid flex circuit boards or any other articles where good dielectric properties are desired wherein the adhesive composition includes the light curable compound, epoxy resin, thermoplastic polyurethane-based material and PVC (see column 2, line 24 though column 3, line 7; and column 8, lines 53+).

However, Mish and Davis, taken alone or in combination thereof, fails to specifically teach a galvanic element as an energy store, which has at least one lithium-intercalating electrode and a thin, flexible housing comprising two metal foils, which bear directly against the electrodes and are connected to each other in a sealed manner with an adhesive or sealing layer, arranged in a recess in the core film; an elastic stress-compensating adhesive layer which adheres to metals and plastics coated over both sides of the core film and the element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the

specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDN
September 17, 2005